

## Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07  
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15  
USIA-06 HA-05 /062 W  
-----106741 231123Z /17  
R 231004Z JAN 78  
FM AMEMBASSY KATHMANDU  
TO SECSTATE WASHDC 828

C O N F I D E N T I A L KATHMANDU 0426

E.O. 11652: GDS  
TAGS: PINT, NP  
SUBJECT: COURT REJECTS HABEAS CORPUS PETITION IN B.P. KOIRALA  
CASE

REF: 77 KATHMANDU 5668

1. IN SHORT ANNOUNCEMENT RELEASED JAN 19 AND CARRIED IN LOCAL  
PRESS JAN. 20, SUPREME COURT DIVISION BENCH, CONSISTING OF TWO  
JUDGES, REJECTED HABEAS CORPUS PETITION WHICH HAD BEEN FILED  
IN BEHALF OF B.P. KOIRALA LAST MONTH (REFTEL). DECISION NOTED  
THAT, EVEN ON BASIS OF WRIT PETITION ITSELF, KOIRALA'S DETENTION  
DID NOT APPEAR ILLEGAL.

2. COMMENT: AS NOTED REFTTEL, IT MUST BE ASSUMED THAT THIS  
DECISION HAS BLESSING OF PALACE. IT MAY REFLECT GON CON-  
VICTION THAT B.P.'S HEALTH IS REASONABLY  
SATISFACTORY--THAT THERE IS NO  
IMMEDIATE NEED TO RELEASE HIM FOR FURTHER TREATMENT, ALTHGOUH  
IF SUCH A DECISION WERE MADE, WE WOULD ASSUME THAT KING  
HIMSELF WOULD PREFER TO GEODCREDIT FOR PERSONAL HUMANITARIAN  
GESTURE RATHER THAN LEAVING IT TO THE COURT. MOREOVER, TO OUT-  
SIDE OBSERVER THERE WERE CLEARLY QUESTIONABLE ASPECTS OF  
HABEAS CORPUS PETITION. MOST NOTABLY, ONE CAN ASK WHY B.P.  
KOIRALA HIMSELF, IN HIS PUBLIC STATEMENTS IN INDIA PRIOR TO HIS  
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RETURN, CLEARLY EXPRESSED EXPECTATION THAT HE WOULD BE RETURN-  
ING TO CUSTODY ONCE BACK IN KATHMANDU IF THIS WAS INDEED  
CONTRARY TO PROVISIONS OF HIS RELEASE ORDER. IN SHORT HIS  
NIECE'S PETITION MAY HAVE BEEN PICKING AT LEGAL STRAWS AND MAY  
HAVE FULLY WARRANTED REJECTION ON STRICTLY JUDICIAL GROUNDS.  
HECK

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** COURTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 23 jan 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978KATHMA00426  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
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**Subject:** COURT REJECTS HABEAS CORPUS PETITION IN B.P. KOIRALA CASE  
**TAGS:** PINT, NP, (KOIRALA, B P)  
**To:** STATE  
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**Review Markings:**  
Sheryl P. Walter  
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